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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1439/2018

RAJ RAM

..... Petitioner

Through Mr. Sureshan, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through None

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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16.02.2018

The writ petitioner in this writ petition filed on 12.02.2018 primarily impugns order of termination dated 26.08.1995. The writ petition clearly suffers and deserves dismissal on the ground of delay and laches. In these circumstances, we are not inclined to issue notice in this writ petition.

Learned counsel for the petitioner submits that the petitioner has also challenged Constitutional vires of rule 26 (4) (iii) of the CCS Pension Rules, 1972 as being discriminatory and violating Article 14.

We are not inclined to go into the said aspect as services of the petitioner were terminated and therefore, the petitioner would not be entitled to pension.

The petitioner was appointed as Constable on 08.06.1972 in the Boarder Security Force. He had resigned from service on 11.08.1978

but was allowed to rejoin service on 03.08.1981. On rejoining he was denied benefit of past service. Services of the petitioner were terminated on 02.06.1990 which became subject matter of challenge in writ petition (C) No. 5239/1993. During the pendency of the said writ petition, the petitioner was reinstated on 20.06.1994 but subsequently his service were terminated vide order dated 26.08.1995. Noticing the aforesaid facts, the W.P.(C) No. 5239/1993 filed by the writ petitioner was disposed of by the Court vide order dated 13.10.1997.

The petitioner after more than 23 years since termination has filed this petition. We do not think, it will be appropriate to go back in the past and examine the question of termination. The writ petition is accordingly dismissed.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

FEBRUARY 16, 2018

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